

AMENDED IN SENATE MAY 15, 2014

AMENDED IN SENATE MARCH 28, 2014

AMENDED IN ASSEMBLY JANUARY 15, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 414

Introduced by Assembly Member Fox

February 15, 2013

An act to add Section 4326 to the Family Code, relating to spousal support, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 414, as amended, Fox. Spousal support: modifications.

Existing law, until January 1, 2014, provided that in a proceeding in which a spousal support order exists or in which the court has retained jurisdiction over a spousal support order, if a companion child support order is in effect, the termination of child support constitutes a change of circumstances that may be the basis for a request for modification of spousal support, except as specified. Existing law, until January 1, 2014, required that a motion to modify spousal support based on that change of circumstances be filed within 6 months of the termination of the child support order.

This bill would reenact these ~~provisions~~. *provisions and would establish a retroactive effective date of January 1, 2014.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4326 is added to the Family Code, to
2 read:
- 3 4326. (a) Except as provided in subdivision (d), in a proceeding
4 in which a spousal support order exists or in which the court has
5 retained jurisdiction over a spousal support order, if a companion
6 child support order is in effect, the termination of child support
7 pursuant to subdivision (a) of Section 3901 constitutes a change
8 of circumstances that may be the basis for a request by either party
9 for modification of spousal support.
- 10 (b) A motion to modify spousal support based on the change of
11 circumstances described in subdivision (a) shall be filed by either
12 party no later than six months from the date the child support order
13 terminates.
- 14 (c) If a motion to modify a spousal support order pursuant to
15 subdivision (a) is filed, either party may request the appointment
16 of a vocational training counselor pursuant to Section 4331.
- 17 (d) Notwithstanding subdivision (a), termination of the child
18 support order does not constitute a change of circumstances under
19 subdivision (a) in any of the following circumstances:
- 20 (1) The child and spousal support orders are the result of a
21 marital settlement agreement or judgment and the marital
22 settlement agreement or judgment contains a provision regarding
23 what is to occur when the child support order terminates.
- 24 (2) The child and spousal support orders are the result of a
25 marital settlement agreement or judgment, which provides that the
26 spousal support order is nonmodifiable or that spousal support is
27 waived and the court's jurisdiction over spousal support has been
28 terminated.
- 29 (3) The court's jurisdiction over spousal support was previously
30 terminated.
- 31 (e) *This section shall be effective retroactively as of January 1,*
32 *2014.*
- 33 SEC. 2. This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order to prevent unnecessary disruption to the judicial system
4 and to protect parties in family law cases who may be injured by
5 the January 1, 2014, sunset of former Section 4326 of the Family
6 Code, it is necessary that this act take effect immediately.

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